IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 24458 of 2005

Between:

P. Naga Mallikharjuna

..... PETITIONER

AND

The Circle Inspector of Police,

Badvel Police Station, Badvel,

Kadapa District and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in interfering and directing the petitioner and his sons to vacate the house bearing D.No.11-236, Sumitranagar, Badvel Town and Mandal, Kadapa District though there is status quo order passed by this Court in SAMP.No.1924/2005 in S.A.No.960/2005, dated 08.11.2005, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is stated that the petitioner filed a civil suit on behalf of his minor sons in O.S.No.296/99 on the file of the Junior Civil Judge, Badvel against one Thota Nagalakshumma for grant of permanent injunction restraining her from interfering with the peaceful possession and enjoyment of the schedule houses bearing Nos.11-235 and 11-236 situated at Sumitranagar, Badvel Town and Mandal of Kadapa District. It is further stated that the suit was partly decreed in respect of D.No.11-235 and dismissed in respect of D.No.11-236 by judgment dated 17.10.2003, against which, the petitioner, on behalf of his minor sons, filed appeal in A.S.No.30/2003 on the file of the Additional Senior Civil Judge (Fast Track Court) Badvel and the same was dismissed on 22.07.2005. Aggrieved by the same, the petitioner, on behalf of his minor sons, filed second appeal before this Court in S.A.No.960/2005 and this Court granted status quo.

I am not inclined to express any opinion as regards to the possession over the property in question. Status quo means, whoever is in possession by the date of filing of the case, they shall continue in possession. If the petitioner and his minor sons, under the guise of status quo, are interfering with the possession of the said Thota Nagalakshumma over the property in question, it is always open for the said Nagalakshumma to take appropriate civil and criminal action against the petitioner and his sons. Without there being any complaint/report filed against the petitioner, the police cannot interfere with the civil disputes existed in between the petitioner and the said Thota Nagalakshumma.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondents not to interfere with the civil disputes existed in between the petitioner and Thota Nagalakshumma. However, if there is any report/complaint filed against the petitioner, it is always open for the respondents to register F.I.R. and investigate into the same, in accordance with law.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 16.11.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr